

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**  
Alexandria Division

In re:

**STEPHEN CHIH-CHIEH SU**

Debtor.

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**Case No. 18-14052-KHK**  
Chapter 7

**TRUSTEE'S OBJECTIONS TO EXEMPTIONS**

Donald F. King, the chapter 7 trustee in the above captioned case (“**Trustee**”), by counsel, files these objections to exemptions claimed by Stephen Chih-Chieh Su (“**Debtor**”) and, in support thereof, states as follows:

1. The Debtor filed a voluntary petition under chapter 7 on December 3, 2018.
2. The Trustee is the duly qualified and acting chapter 7 trustee for this estate.
3. The meeting of creditors under 11 U.S.C. § 341 was concluded on January 10,

2019.

**New York County Property**

4. According to the Debtor’s Schedule C filed with this Court, the Debtor claims an exemption pursuant to Va. Code Ann. § 34-4 in the amount of \$4,000.00 in property described as 440 East 117 Street Unit 2A, New York, NY 10035 New York County (the “**NY Property**”).

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5. Although the Debtor filed a homestead deed in Arlington County, Virginia, his county of residence, it appears that the Debtor failed to file a homestead deed in New York County, New York, the county in which the NY Property is located, within five (5) days of the section 341 meeting. Va. Code Ann. § 34-6 (“In order to secure the benefit of the exemptions of real estate under §§ 34-4 and 34-4.1, the householder, by a writing signed by him and duly admitted to record, to be recorded as deeds are recorded, *in the county or city wherein such real estate or any part thereof is located* and if such property is located outside of the Commonwealth, in the county or city where the householder resides . . .”)(emphasis supplied); *see also* Va. Code Ann. §34-17 (“To claim an exemption in bankruptcy, a householder . . . shall set such real or personal property apart on or before the fifth day after the date of the meeting held pursuant to 11 U.S.C. § 341, but not thereafter.”)

6. The Debtor’s homestead deed filed in Arlington County, Virginia is not sufficient to exempt the NY Property.

7. Accordingly, the Trustee objects to the Debtor’s claim of exemption in the NY Property under Va. Code Ann. § 34-4.

#### **Section 34-4 Exemptions Not on Homestead Deed**

8. According to the Debtor’s Schedule C filed with this Court, the Debtor claims an exemption pursuant to Va. Code Ann. § 34-4 in “paintings, toys and books,” “cash,” “checking: Sandy Spring Bank,” “PMA Account: Wells Fargo,” and “Investment account: Charles Schwab,” which are not listed on the Debtor’s homestead deed filed in Arlington County, Virginia.

9. Accordingly, the Trustee objects to the Debtor’s claim of exemption in the foregoing items pursuant to Va. Code Ann. § 34-4.

WHEREFORE, Donald F. King, Trustee, by counsel, requests that this Court (i) disallow the exemption in the NY Property claimed by the Debtor pursuant to Va. Code Ann. § 34-4, (ii) disallow the exemptions in “paintings, toys and books,” “cash,” “checking: Sandy Spring Bank,” “PMA Account: Wells Fargo,” and “Investment account: Charles Schwab,” claimed by the Debtor pursuant to Va. Code Ann. § 34-4; and (iii) grant such other and further relief as this Court deems just and proper.

**Respectfully Submitted,**

**DONALD F. KING, TRUSTEE**  
**By Counsel**

**By:** /s/ Lauren Friend McKelvey  
**Lauren Friend McKelvey (VSB No. 78813)**  
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